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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Piotr Cofa

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09/07/2005

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EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,672

Applicant(s)

COFTA ET AL

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-16, 29-46, 51-59 and 84-95 is/are rejected.
- 7) ☒ Claim(s) 5-8, 17-28, 47-50 and 60-83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Non-Art Rejection:

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 94-95 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 94-95 are directed to an executable computer program that is downloaded from a network. Such network transmission is considered to be intangible media for providing/distributing the computer program for execution by the processor. Therefore, the claimed computer program is directed to non-statutory subject matter as not being tangibly embodied in the manner to be executable by a computer.

It is suggested that claims 94-95 be revised to explicitly recite a computer-readable medium such as a computer-readable memory for storing the computer program.

Art Rejections:

3. The text of 35 USC 103(a) not cited here can be found in the previous office action.

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4. Claims 1-4, 9-16, 29-46, 51-59 and 84-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renaud et al, U.S. pat. No. 5,958,051, in view of Kiessling et al, U.S. pat. No. 6,901,251.

Per claims 1-4, Renaud discloses a system and method for enabling secured data transmission between network and a data terminal comprising:

- a) initiating a terminal session with a browser by making a transmission to a server via a network (see Renaud in col 14, lines 5-22),
- b) the server, in response to the terminal transmission request, provides information, e.g., site certificate, to the browser (see Renaud in col 14, lines 23-39),
- c) informing a user of a level of security determined to be associated with at least one communication operation if the communication operation is permitted by the user based upon a comparison of the communication operation to a standard prior to transmission to the network, e.g., display a warning on specific communication operations (see Renaud in col 10, lines 38-62),
- d) enabling the user to accept or reject the communication operation (see Renaud in col 10, lines 38-62).

Renaud does not teach displaying different levels of trust associated with the communication operations. Kiessling

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discloses a system for displaying a security indicator on a user terminal (including a mobile device) to inform the user of a security level or level of trust associated with the current communication operation (see Kiessling in col 6, lines 1-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Renaud with Kiessling's teaching because it would have provided the user information regarding the level of security or level of trust associated with the current communication operation in deciding whether to accept or reject the communication operations (see Kiessling in col 6, lines 1-21).

Per claims 9-16, Kiessling teaches that the security level associated with the current communication is determined at the user terminal (see Kiessling in col 6, lines 1-7).

Per claims 29-40, Kiessling also teaches that the security level associated with the communication operation is dependent upon the network communication protocols and other additional attributes including server applications (see Kiessling in col 4, line 49 - col 5, line 40).

Per claims 41-42, Kiessling teaches that the level of trust indicator includes a graphic presentation and a numerical value (see Kiessling in col 5, lines 49-61).

Claims 43-46, 51-59, 84-85 and 92-95 are similar in scope as that of claims 1-4, 9-16 and 29-42.

Per claims 86 and 89, Renaud teaches using a source certificate and public key to verify a trusted source (see Renaud in col 2, lines 1-17). It is noted that such certificate is usually issued by a trusted third party. It is also noted that a web page typically contains one or more frames.

Renaud does not explicitly teach transmitting a public key to the user terminal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize such transmission step in Renaud because it would have enabled the user terminal to securely verify the source file and the site certificate (see Renaud in col 12, lines 53-65).

Per claims 87-88 and 90-91, Renaud teaches checking chain of authorities (see Renaud in col 12, lines 53-65).

Allowable Subject Matter:

5. Claims 5-8, 17-28, 47-50 and 60-83 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Amendment:

6. Applicant's arguments filed on 8/12/05 with respect to claims 1-4, 9-16, 29-46, 51-59 and 84-95 are moot in view of new grounds of rejection set forth above.

Conclusion:

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

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9/1/05